

1 MICHAEL J. ASCHENBRENER (SBN 277114)
mja@aschenbrenerlaw.com
2 ASCHENBRENER LAW, P.C.
795 Folsom Street, First Floor
3 San Francisco, CA 94107
Telephone: (415) 813-6245
4 Fax: (415) 813-6246

5 Attorneys for Plaintiff and the putative class

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15 MELISSA J. EARLL, individually and on behalf
of all others similarly situated,

16 Plaintiff,

17 v.

18 eBAY INC., a Delaware Corporation,

19 Defendant.

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BINGHAM McCUTCHEN LLP
MARY T. HUSER (SBN 136051)
mary.huser@bingham.com
1117 S. California Avenue
Palo Alto, CA 94304-1106
Phone: (650) 849-4400
Facsimile: (650) 849-4800

BINGHAM McCUTCHEN LLP
JOHN A. POLITICO (SBN 253195)
john.polito@bingham.com
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: (415) 393-2000
Facsimile: (415) 393-2286

Attorneys for Defendant
eBay Inc., a Delaware Corporation

No. 5:11-CV-00262-EJD

**STIPULATION AND [PROPOSED]
ORDER TO RESCHEDULE CASE
MANAGEMENT CONFERENCE**

1 Plaintiff Melissa J. Earll (“Plaintiff”) and Defendant eBay Inc. (“eBay”; and
 2 together with Plaintiff, the “Parties”) stipulate as follows and request that the Court enter the
 3 [Proposed] Order set forth below.

4 1. On July 29, 2011, the Parties submitted a Joint Case Management Statement, in
 5 compliance with Civ. L.R. 16-9 and Court’s March 1, 2007 Standing Order on Joint Case
 6 Management Statements. *See* Dkt. 56. The Joint Case Management Statement noted the Parties’
 7 previous agreement to stay discovery pending resolution of motions to dismiss. *See id.* at 3-4.
 8 The Joint Case Management Statement included the Parties’ proposed case schedules, both of
 9 which are tied to resolution of motions to dismiss. *See id.* at 6-7.

10 2. On October 7, 2011, the Court set a Case Management Conference for March 9,
 11 2012. *See* Clerk’s Notice, Dkt. 65.

12 3. On October 19, 2011, eBay moved to dismiss Plaintiff’s First Amended
 13 Complaint. *See* Dkt. 66.

14 4. On February 7, 2012, the Court took eBay’s Motion to Dismiss Plaintiff’s First
 15 Amended Complaint under submission without oral argument. *See* Clerk’s Notice, Dkt. 70.

16 5. The Parties respectfully suggest that the next Case Management Conference be
 17 set after resolution of eBay’s Motion to Dismiss Plaintiff’s First Amended Complaint.

18 6. In light of the above, the Parties stipulate and request that the Court order:

19 a. that the case management conference currently set for March 9, 2012, be vacated;
 20 b. that a case management conference be set for two weeks after the Court’s Order
 21 on eBay’s Motion to Dismiss is issued, or such other date as is convenient for the
 22 Court.

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1 DATED: February 27, 2012

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3 Bingham McCutchen LLP
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5 By: _____ /s/ Mary T. Huser
6 _____
7 Mary T. Huser

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9 Attorneys for Defendant
10 eBay Inc.
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12 In accordance with General Order No. 45, Rule X, the above signatory attests that
13 concurrence in the filing of this document has been obtained from the signatory below.
14 DATED: February 27, 2012
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16 Aschenbrener Law, P.C.
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18 By: _____ /s/ Michael J. Aschenbrener
19 _____
20 Michael J. Aschenbrener

21 Attorneys for Plaintiff
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23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 The March 9, 2012 Case Management Conference and associated deadlines are VACATED.
25 The court will address scheduling issues further in the order on Defendant's Motion to
26 Dismiss.
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28 DATED: February 29, 2012


Edward J. Davila

United States District Court Judge